

**ORDINANCE NO. 20051215-Z008**

**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT BRODIE LANE AT BEN GARZA LANE AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim rural residence (I-RR) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-05-0196A, on file at the Neighborhood Planning and Zoning Department, as follows:

A 13.544 acre tract of land, more or less, out of the Thomas Anderson League No. 17, Abstract No. 2, comprised of three parcels of land, the tract of land being more particularly described by metes and bounds in Exhibits "A" through "C" incorporated into this ordinance (the "Property"),

locally known as the property located at Brodie Lane at Ben Garza Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "D".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The following uses are prohibited uses of the Property:

Agricultural sales and services  
Campground  
Convenience storage  
Electronic testing  
Equipment sales  
Laundry services  
Maintenance and service facilities  
Transitional housing  
Vehicle storage

Building maintenance services  
Commercial blood plasma center  
Electronic prototype assembly  
Equipment repair services  
Kennels  
Limited warehousing and distribution  
Monument retail sales  
Transportation terminal  
Veterinary services

2. The following uses are conditional uses of the Property:

Custom manufacturing  
Outdoor entertainment  
Special use historic

Food preparation  
Plant nursery

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on December 31, 2005.

**PASSED AND APPROVED**


December 15, 2005

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§  
§



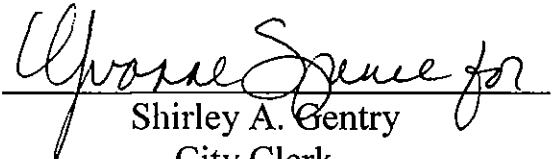
Will Wynn  
Mayor

**APPROVED:**



David Allan Smith  
City Attorney

**ATTEST:**



Shirley A. Gentry  
City Clerk

## EXHIBIT A

Legal Description  
4.838 Acres

State of Texas  
County of Travis

All that certain tract or parcel of land situated in the Thomas Anderson League No. 17, Abstract No. 2, Travis County, Texas, being all of a called 4.84 acre tract, described in a deed to Marcia Rose White, Trustee, dated July 25, 1988, recorded in Volume 10738 on Page 17 in the Real Property Records of Travis County, Texas and being more particularly described as follows:

**BEGINNING** at a 1/2" iron rod (found) for the south corner of the above referenced 4.84 acre tract, same being the west corner of a called 4.84 acre tract, described in a deed to Edmund J. Flemming, et ux, dated January 21, 1954, recorded in Volume 1449 on Page 487 in the Deed Records of Travis County, Texas, and in a northeast line of a 50 feet wide strip of land (Ben Garza Lane) dedicated to the public for use as a street and road way, described in a Dedication Document from Rosa Garza to the Public, dated July 29, 1968, recorded in Volume 3513 on Page 459 in said Deed Records;

**THENCE** North 60 deg. 01 min. 01 sec. West with the southwest line of said 4.84 acre tract (Volume 10738 on Page 17) and with a northeast line of said 50 feet wide strip of land, a distance of 329.03 feet to a 1/2" iron rod (found) for the west corner of said 4.84 acre tract;

**THENCE** North 13 deg. 22 min. 07 sec. East with the northwest line of said 4.84 acre tract (Volume 10738 on Page 17), a distance of 542.52 feet to a 1/2" iron rod (found) for north corner of same and being in the southwest line of a called 6.61 acre tract, described in a deed to Harold G. Kennedy and B. Joy Kennedy, dated March 29, 1971, recorded in Volume 4026 on Page 1507 in said Deed Records;

**THENCE** South 59 deg. 40 min. 58 sec. East with the northeast line of said 4.84 acre tract (Volume 10738 on Page 17) and the southwest line of said 6.61 acre tract, and then with the southwest line of Lot 1 of the Offer Subdivision, as recorded in Book 42 on Page 03 in the Plat Records of Travis County, Texas, a distance of 484.36 feet to a 1/2" iron rod (found) for east corner of said 4.84 acre tract (Volume 10738 on Page 17), same being the north corner of the aforementioned 4.84 acre tract (Volume 1449 on Page 487);

**THENCE** South 30 deg. 00 min. 22 sec. West with the southeast line of said 4.84 acre tract (Volume 10738 on Page 17) and the northwest line of the 4.84 acre tract (Volume 1449 on Page 487), a distance of 517.05 feet to the PLACE OF BEGINNING, containing 4.838 acres (210,744 sq. ft.) of land.

 08/21/03  
Joe W. Clark Date  
Registered Professional Land Surveyor No. 4366



## EXHIBIT B

Legal Description  
4.837 Acres

State of Texas  
County of Travis

All that certain tract or parcel of land situated in the Thomas Anderson League No. 17, Abstract No. 2, Travis County, Texas, being all of a called 4.84, described in a deed to Edmund J. Flemming, et ux, dated January 21, 1954, recorded in Volume 1449 on Page 487 in the Deed Records of Travis County, Texas, and being more particularly described as follows:

**BEGINNING** at a 1/2" iron rod (found) for the south corner of the above referenced 4.84 acre tract, same being the west corner of a called 4.70 acre tract, described in a deed to William D. Reese, dated October 6, 2001, recorded under Clerk File No. 2001171175 in the Real Property Records of Travis County, Texas, and in a northeast line of a 50 feet wide strip of land (Ben Garza Lane) dedicated to the public for use as a street and road way, described in a Dedication Document from Rosa Garza to the Public, dated July 29, 1968, recorded in Volume 3513 on Page 459 in said Deed Records;

**THENCE** North 60 deg. 01 min. 01 sec. West with the southwest line of said 4.84 acre tract and with a northeast line of said 50 feet wide strip of land, a distance of 408.87 feet to a 1/2" Iron rod (found) for the west corner of said 4.84 acre tract, same being the south corner of another called 4.84 acre tract, described in a deed to Marcia Rose White, Trustee, dated July 25, 1988, recorded in Volume 10738 on Page 17 in said Real Property Records;

**THENCE** North 30 deg. 00 min. 22 sec. East with the northwest line of said 4.84 acre tract (Volume 1449 on Page 487) and with the southeast line of said 4.84 acre tract (Volume 10738 on Page 17), a distance of 517.05 feet to a 1/2" iron rod (found) for the north corner of said 4.84 acre tract (Volume 1449 on Page 487) and the east corner of said 4.84 acre tract (Volume 10738 on Page 17) and being in the southwest line of Lot 1 of the Offer Subdivision, as recorded in Book 42 on Page 03 in the Plat Records of Travis County, Texas;

**THENCE** South 59 deg. 41 min. 32 sec. East with the northeast line of said 4.84 acre tract (Volume 1449 on Page 487) and with the southwest line of Lot 1 and Lot 2 of said Offer Subdivision, and the with the southwest line of Lot 3 of the Rayford Subdivision No. 2, as recorded in Book 53 on Page 64 in said Plat Record, a distance of 408.00 feet to a 1/2" iron pipe (found) for the east corner of said 4.84 acre tract (Volume 1449 on Page 487), same being the north corner of the aforementioned 4.70 acre tract;

**THENCE** South 29 deg. 54 min. 31 sec. West with the southeast line of said 4.84 acre tract (Volume 1449 on Page 487) and the northwest line of the 4.70 acre tract, a distance of 514.74 feet to the **PLACE OF BEGINNING**, containing 4.837 acres (210,709 sq. ft.) of land.

 08/01/03  
Joe W. Clark Date  
Registered Professional Land Surveyor No. 4366



## EXHIBIT C

Legal Description  
3.869 Acres

State of Texas  
County of Travis

All that certain tract or parcel of land situated in the Thomas Anderson League No. 17, Abstract No. 2, Travis County, Texas, being part of a called 4.70 acre tract, described in a deed to William D Reese, dated October 6, 2001, recorded under Clerk File No. 2001171175 in the Real Property Records of Travis County, Texas, and being more particularly described as follows:

**BEGINNING** at a 1/2" iron rod (found) for corner in the southwest line of the above referenced 4.70 acre tract, same being in a northeast line of a 50 feet wide strip of land (Ben Garza Lane) dedicated to the public for use as a street and road way, described in a Dedication Document from Rosa Garza to the Public, dated July 29, 1988, recorded in Volume 3513 on Page 459 in said Deed Records, and in the northwest right of way line of Brodie Lane;

**THENCE** North 60 deg. 01 min. 01 sec. West with the southwest line of said 4.70 acre tract and with a northeast line of said 50 feet wide strip of land, a distance of 330.94 feet to a 1/2" iron rod (found) for the west corner of said 4.70 acre tract, same being the south corner of a called 4.84 acre tract, described in a deed to Edmund J. Flemming, et ux, dated January 21, 1954, recorded in Volume 1449 on Page 487 in the Deed Records of Travis County, Texas;

**THENCE** North 29 deg. 54 min. 31 sec. East with the northwest line of said 4.70 acre tract and with the southeast line of said 4.84 acre tract, a distance of 514.74 feet to a 1/2" iron pipe (found) for the north corner of said 4.70 acre tract and the east corner of said 4.84 acre tract and being in the southwest line of Lot 3 of the Rayford Subdivision No. 2, as recorded in Book 53 on Page 64 in the Plat Records of Travis County, Texas;

**THENCE** South 59 deg. 39 min. 31 sec. East with the northeast line of said 4.70 acre tract and with the southwest line of Lot 3 and Lot 2 of said Rayford Subdivision No. 2, a distance of 325.28 feet to a 1/2" iron rod (found) for corner in the northwest right of way line of said Brodie Lane;

**THENCE** South 29 deg. 16 min. 28 sec. West with the northwest right of way line of said Brodie Lane, a distance of 512.74 feet to the **PLACE OF BEGINNING**, containing 3.869 acres (168,551 sq. ft.) of land.

*Joe W. Clark* 08/01/03  
Joe W. Clark Date  
Registered Professional Land Surveyor No. 4386



IF-2-CO

MO-PAC EXPRESSWAY SOUTH

07-06-0225C

04-0117  
06-302

RR

06-302

WILLIAMSON CREEK

FOREST OAK DRIVE

DR

MF-2-CO

06-068  
06-02-228C

UNDEV.

06-02-228C  
06-0042

DR

SF-2

ACTB

BEN GARZA LANE

COUNTRY WHITE LANE

BEN GARZA LANE

BRODIE LANE

OAKDALE DRIVE

GR

06-0130

UNDEV.



1" = 400'

SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY  
CASE MGR: W.WALSH



ZONING EXHIBIT D

CASE #: C14-05-0196A

ADDRESS: BRODIE LN AT BEN GARZA

SUBJECT AREA (acres): 13.545

DATE: 05-11

INTLS: SM

CITY GRID  
REFERENCE  
NUMBER

E18